

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Greg A. Dunko
Serial No.: 10/823,069
Filed: April 13, 2004

Confirmation No.: 3975
Group Art Unit: 2618
Examiner: Lu, Zhiyu

For: **PORTABLE ELECTRONIC DEVICES INCLUDING MULTI-MODE
MATCHING CIRCUITS AND METHODS OF OPERATING THE SAME**

Date: February 27, 2008

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed December 28, 2007.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

I. The Examiner's Answer – Response to Arguments (starting at Page 10)

Appellant will refrain herein from readdressing all of the deficiencies with the pending rejections and, therefore, in the interest of brevity, Appellant hereby incorporates herein the arguments set out in Appellant's Brief on Appeal as if set forth in their entirety. Accordingly, Appellant will only address new arguments made in the Examiner's Answer. Appellant believes that the Board may find this helpful in evaluating the propriety of the pending rejections.

A. Claims 1, 7, 14 and 22

The Examiner's Answer first states that the Examiner disagrees with Appellant's arguments that nothing in Kim discusses storing parameters as recited in Claim 1 on pages 7 and 8 of Appellant's Brief. *See* Examiner's Answer, page 10. The Examiner points to column 4, lines 5-8 of Kim as providing this teaching. In particular, the Examiner's Answer states that this portion of Kim "discloses storing voltage value/parameter." *See* Examiner's Answer, page 11. Nothing in the cited portion of Kim says anything about parameters as suggested in the Examiner's Answer. The Examiner cannot just replace the word voltage with the word parameter and conclude that these words mean the same thing. Claims 1-3, 5-7, 9, 11-14, 16, 18-20, 22, 24 and 26-30 stand rejected as anticipated by Kim. Anticipation requires "no difference" between the recitations of the claims and the teachings of the cited reference. Appellant respectfully submits that the pending claims are patentable over Kim for the reasons discussed in Appellant's Brief and the additional reasons discussed herein.

The Examiner's Answer further states Appellant misinterpreted the teachings of Kim because one of skill in the art would know that "non-volatile memory...does not store voltage but information." *See* Examiner's Answer, page 11. Appellant respectfully submits that this statement is incorrect. First, voltages are information. Second, as stated in the cited portion of Kim:

...The non- volatile memory 31 **stores a voltage value corresponding to a state of the folder sensor**, and the CPU 30 reads the stored voltage value from the non-volatile memory 31 according to a state that the folder sensor 20 senses...

See Kim, column 4, lines 5-8 (emphasis added). Thus, Kim specifically states that the non-volatile memory 31 stores a voltage value. Accordingly, arguments set out on page 11 of the Examiner's Answer are incorrect.

Accordingly, Appellant respectfully submits that the rejections with respect to Claims 1, 7, 14 and 22 and the claims that depend therefrom should be reversed for the reasons discussed herein and in Appellant's Brief on Appeal.

B. The Remaining Claims

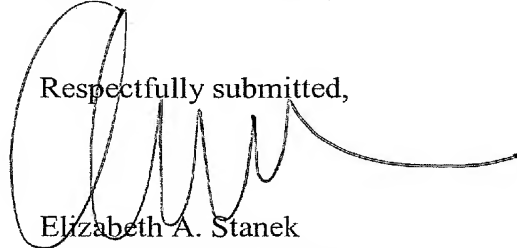
The Examiner's Answer specifically discusses Claims 31, 34 and 35 on pages 12-14 thereof. Appellant submits that the rejections with respect to these claims should be reversed for at least the reasons discussed in Appellant's Brief.

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II. Conclusion

For the reasons set forth in above and in Appellant's Brief on Appeal, Appellant requests reversal of the rejections of the claims, allowance of the claims and passing of the application to issue.

Respectfully submitted,



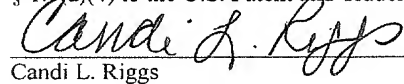
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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 27, 2008.


Candi L. Riggs